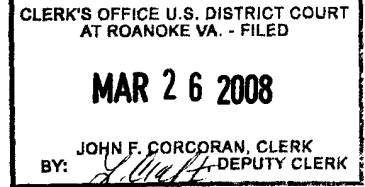


UNITED STATES DISTRICT COURT

for the

Western District of Virginia



United States of America)

v.)

Earnest Junior Thompson)

Case No: 7:04CR00003-002

USM No: 01443-084

Date of Previous Judgment: September 14, 2004)

(Use Date of Last Amended Judgment if Applicable))

Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☐ the defendant ☐ the Director of the Bureau of Prisons ☒ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 66 months is **reduced to** 60 months*.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 23

Amended Offense Level: 21

Criminal History Category: III

Criminal History Category: III

Previous Guideline Range: 60 to 71 months

Amended Guideline Range: 60 to 60 months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☒ The reduced sentence is within the amended guideline range.
☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
☒ Other (explain):

*The amended guideline range cannot go below the statutory mandatory minimum of 60 months. Therefore, the sentence is reduced to 60 months, but not less than time served.

III. ADDITIONAL COMMENTS

The factors listed in 18 U.S.C. § 3553(a) having been considered, the government's objections to the reduction are overruled.

Except as provided above, all provisions of the judgment dated 09/14/2004 shall remain in effect.

IT IS SO ORDERED.

Order Date: March 26, 2008

[Signature]
Judge's signature

Effective Date: April 5, 2008
(if different from order date)

James C. Turk, Senior United States District Judge
Printed name and title